

REMARKS

Claims 14-32 are pending in the application, claims 14-19 being previously presented (and currently finally rejected), claims 14 and 19 thereof being amended to correct minor wording errors without changing the scope thereof, and claims 20-32 being newly added hereby. New formal drawings are also enclosed.

Objections to the Drawings/Specification

The Examiner has objected to the specification because claim 14 used the term "moveable member". That term was a reference to the securing member 75, and so claim 14 has been amended to use the latter term. They mean the same thing, so no change in scope is being made, but the objection is submitted to be resolved. Applicant also notes that the member 75 "secures" in a releaseable fashion, and is not intended to suggest, or imply a generally permanent attachment.

The Examiner has also objected to the drawings under 37 C.F.R. 1.83(a) for not specifically showing the securing member "coupled to the blunting member and engaging the outer surface of the introducer sheath which advances the blunting member when the sheath is removed." Applicant disagrees. Of course, securing member 75 is shown coupled to the blunting member 65 in Fig. 2. Also, the longitudinal portion 77 is described as being engaged by the exterior rim 39 of the introducer (see, e.g., page 6, ll. 20-21 of the substitute specification submitted in the Amendment and Response to the Office Action, mailed October 1, 2002 and apparently received by the Office on October 7, 2002). Consequently, it is not believed that an actual drawing is required. Nonetheless, upon review of the original drawings filed with the application, it was determined that the various formal drawings subsequently

presented contained errors. A new set of formal drawings is submitted herewith which are submitted to correspond with the original figures and specification, while also resolving Examiner's concerns. The new drawings show the "engagement" as also seen in the original drawings, and thus obviate the rejection.

35 U.S.C. §112

Claims 14-19 have been rejected under 35 U.S.C. §112 on two grounds.

First, Examiner takes the position that the securing member "coupled to the blunting member and engaging an outer surface of the introducer sheath where the [securing] member advances the blunting member when the sheath is removed" is new matter. Applicant disagrees. Applicant submits that figures of the application as filed, and the text of the original specification, taken together reveal that securing member 75 has an enlarged or "latch" end that will fit over the hump or rim (now numbered 39) of the introducer hub. That relationship is now shown more clearly in the formal drawings submitted herewith (especially, Figs. 5 and 5A), Applicant submits that the formal drawings comply with the originally filed application such that no new matter was added.

Second, claims 14-19 were rejected for lack of enablement because it was allegedly unclear how both the blunting member and needle could be "secured" to the same housing, yet the blunting member and needle be moveable relative to each other. The simple answer is that the Examiner has mixed apples and oranges. The needle is indeed secured to the housing, but the blunting member is only held against the housing, such as by the securing member 75 and/or longitudinal portion 77. That is clear from Fig. 2 which shows the entire blunting assembly 25 out of housing 67, and Fig. 1 which shows the securing member 75

bearing against the wall of housing 67. This is also clearly stated at page 7, ll. 3-4 of the application as originally filed.

In view of the foregoing, it is respectfully submitted that the Section 112 rejections are in error and should be withdrawn.

Prior Art

Claims 14-19 have been rejected under 35 U.S.C. §103, primarily on the basis of Gomez (EP 0 630 661) and Sahi (U.S. 5,009,642). Chang (EP 0 353 905) is cited as well but apparently only as regards certain dependent claim features. At bottom, it appears to be Examiner's position that it would have been obvious to use the blunting member and needle of Sahi with the catheter of Gomez. Even were that a correct combination (which Applicant disputes), the result would not be the invention of claims 14-19.

Examiner will note that the walls of the hub to which the needle is secured in Sahi are solid with no distal opening to access the interior of the hub. Thus, the blunting member is within the hub and cannot be reached by any outer sheath or introducer that goes over the needle. In other words, there could be no engagement of both (i) a securing member coupled to the blunting member, and (ii) an outer surface of the introducer, as claimed. To achieve that engagement, some portion of the Sahi blunting member would have to reach out over and beyond the needle hub to engage the Gomez catheter hub, but that is simply not possible without making dramatic alterations in the structure of Gomez and Sahi that is nowhere taught or suggested by the prior art.

Under the circumstances, it is respectfully submitted that the prior art rejections of claim 14-19 are in error and should be withdrawn.

Applicant has added new claims 20-32 which are submitted to also be novel and non-obvious. Further, no new matter has been added, as each of the elements of the new claims is specifically described and shown in the specification and drawings as originally filed.

For example, the needle, housing, blunting member, securing member, flash chamber, and porous member are described throughout the specification, drawings, and claims as originally filed. And at least originally filed Fig. 1 depicts the securing member as including a portion that extends towards the distal end of the blunting member. Fig. 1 also depicts the securing member as contained wholly within the housing in the non-blunting position of the blunting member. The application as originally filed thus also provides written description for all of the new claims, and that description is enabling.

Claim 20, and thus each of claims 21-32 which ultimately depend from claim 20, requires a needle attached to a housing, with a blunt movably received in the needle. The proximal end of the blunt is disposed in the housing attached to the needle, and there is also a securing member (75) that has two important aspects. First, the securing member has a portion (77) that extends from the proximal end towards the distal end of the blunt. Second, the entire securing member (75) is wholly contained within the housing, such as when the blunt is not extending out of the needle. These features are seen, for example, in Figure 1 of the application. It is submitted that none of the prior art of record has a securing member on the proximal end of the blunt which includes a portion extending toward the distal end of the blunt, with two possible exceptions: Sahi (discussed above) and Solomon (U.S. No. 6,210,379). However, a quick review of each of these patents shows that they fail to otherwise disclose each and every limitation of claim 20, and thus claims 21-38.

First, assuming that Sahi includes a securing member (for argument sake assumed to be the retainer means 32 of Fig. 1) with a distally directed portion, the distally directed portion extends beyond the tube 24 in which its end stop 34 is contained while ring sections 38a, 38b, flanges 39a, 39b, and at least part of the legs 36a, 36b are disposed about the needle 14. Thus, at least a portion of the alleged securing member of Sahi is disposed outside of any structure that could be considered a housing. In contrast, new claim 20 of the present application recites that the securing member is contained wholly within the housing.

Second, new claim 20 of the present application recites that the flash chamber is disposed at a proximal end of the housing. Assuming Solomon has a securing member (for sake of argument assumed to be the shifting member 84 of Figs. 1 and 2) with a distally directed portion (88), as can be seen with reference to Figs. 1 and 2, the internal volume (38) of the flash chamber (30) is disposed completely above the blunting member in an upper portion of the housing. Thus, Solomon does not disclose a flash chamber disposed at a proximal end of the housing as seen, for example, in Fig. 4 of the present application.

Conclusion

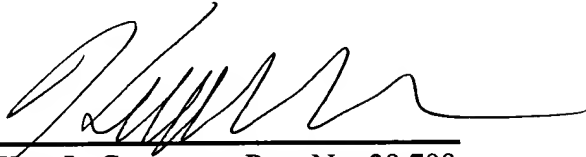
It is believed that all claims are now in condition for allowance, and a Notice of Allowance is respectfully requested.

It is believed that no fee is due other than for the RCE and an extension of time, which fees are submitted herewith. If, however, such further fees or surcharges are deemed due, please charge same or credit any overpayment to Deposit Account No. 23-3000.

The Examiner is invited to contact the undersigned attorney with any questions or remaining issues.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By: 
Kurt L. Grossman, Reg. No. 29,799

Wood, Herron & Evans, L.L.P.
2700 Carew Tower
Cincinnati, OH 45202
(513) 241-2324 (voice)
(513) 241-6234 (facsimile)